November 9, 1999

Lieutenant Arturo Valdez
Central Record Division
City of McAllen Police Department
1501 Pecan Boulevard
McAllen, Texas 78501

OR99-3157

Dear Lieutenant Valdez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130085.

The City of McAllen (the "city") received a request for police reports 92-60531 and 96-23630. You claim that the requested information is excepted from required disclosure under section 552.108(a) and (b) of the Government Code.

In relevant part, section 552.108 excepts from required public disclosure

>   (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:
>
>   (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]
>
>   . . . .
>
>   (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if:
>
>   (1) release of the internal record or notation would interfere with law enforcement or prosecution;

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

You represent that the requested reports pertain to pending cases. Other information you submitted indicates that the case to which requested report 92-60531 pertains, although closed for lack of evidence in 1992, was reopened in 1999. We believe you have established that release of the requested report 92-60531 would interfere with law enforcement. Therefore, this report may, except as noted below, be withheld under section 552.108(a)(1).

Section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime."Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the city must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

As for the requested report 96-23630, other information you submitted indicates the case to which it pertains has been closed. We do not believe that you have established that release of this report would interfere with law enforcement, or that the report is otherwise protected by section 552.108.

However, report 96-23630 contains information which must be withheld under section 552.130 of the Government Code, which provides in relevant part as follows:

(a) Information is excepted from [required public disclosure] if the information relates to:
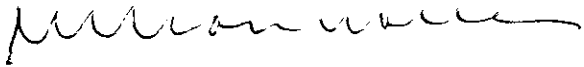
(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]

(2) a motor vehicle title or registration issued by an agency of this state[.]

We have marked the information in the submitted report which must be withheld under section 552.130. Except for the information we have marked as subject to section 552.130, report 96-23630 must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

William Walker
Assistant Attorney General
Open Records Division

WMW/ljp

Ref: ID# 130085

Encl.   Submitted documents

cc: Ms. Cindy Long
        The Monitor
        1101 Ash Avenue
        McAllen, Texas 78501
        (w/o enclosures)